

## **REMARKS**

This is in response to the Office Action dated August 16, 2005.

Attached is a Petition For Request for A Two-Month Extension of Time and a check in the amount of \$225 for the government fee.

Also, enclosed is an Information Disclosure Statement and Form No. 08A listing United States Patent No. 6,923,643 to Schultz et al entitled "Premix Burner For Warm Air Furnace" filed June 13, 2003 and which issued subsequent to the filing of the present application.

In addition, attached is a fully executed Declaration Of Inventor To Establish Invention Of Subject Matter Under 37 CFR 1.131 setting forth that the inventor, Dennis Lewis, conceived, reduced to practice and invented the subject matter of the present application prior to the filing date of Schultz et al patent No. 6,923,643B2. Accordingly, the Schutlz et al patent is not prior art to the present invention.

The '643 patent to Schultz et al is directed toward a burner assembly for use in a warm air furnace having a burner face assembly including a first plate positioned on top of a second plate, and a third plate positioned underneath the second plate. Each plate of the burner face assembly having a plurality of aligned burner openings. Applicant's invention is directed toward a burner assembly having as a part thereof a single, planar burner plate having a plurality of ports or groups of ports in spaced configuration. Therefore, Applicant believes the claims to the present invention are novel over the '643 patent to Schultz et al.

Claims 1-2, 4, 17, and 25-26 have been canceled. Claims 3, 5-16, 18-21, 23-24 have been previously presented. Claim 22 has been currently amended. Independent claim 27 is new.

Claims 3, 5-8, 12-14 and 22-24 have been rejected under 35 USC 102(a) or (e) as being

anticipated by United States Patent No. 6,889,686 to Specht. Independent claim 22 has been currently amended. Applicant requests reconsideration of the rejection.

Applicant's independent claim 22 has been currently amended to include a burner assembly having as a part thereof a single, planar burner plate having a plurality of ports or groups of ports provided at spaced locations. The single, planar burner plate is attached to the front end of the burner body. The mixed gas/air mixture in the body mixing chamber passes through the plurality of ports or groups of ports located in the planar burner plate and thereafter combusts upon passing through the ports. The ports or groups of ports located on the single, planar burner plate are arranged so as to allow the combusted mixture to be directed into the heat exchanger inlet tubes by the burner assembly. Applicant believes that currently amended claim 22 is novel over the '686 Specht patent and, therefore, respectfully requests reconsideration of the rejection.

The '686 patent to Specht discloses a unitary burner for producing combustion gases including a burner face defined by a plurality of spaced fins for passing therethrough a combustible gas. The '686 Specht patent does not teach the subject matter as disclosed in Applicant's currently amended claim 22 of a single, planar burner plate having a plurality of ports or group of ports in a spaced configuration. Therefore, Applicant believes that currently amended claim 22 is novel over the '686 Specht patent.

In addition, the '686 Specht patent discloses a continuous strip of metal folded back and forth upon itself to define the series of spaced fins through which the gas/air mixture flows around to escape the mixing chamber. This is contrary to Applicant's invention wherein the air/gas mixture flows directly through a plurality of ports or groups of ports located on a single, planar burner plate, ignites and thereafter is directed into heat exchanger tube inlets. Applicant believes that currently

amended claim 22 is novel over the '686 Specht patent and, therefore, requests reconsideration of the rejection.

Further, the fin arrangement taught in the '686 Specht patent can only serve to provide a required pressure grading as the mixture leaves the mixing chamber. However, Applicant's invention directs the combustion gases into the heat exchanger tube inlets simply by appropriate arrangement of the ports within the single, planar burner plate. Thus, any arrangement of heat exchange tube inlets can be catered for with Applicant's single burner assembly merely by providing a single, planar burner plate with appropriately spaced burner ports.

In contrast to Applicant's invention, the burner according to the '686 Specht patent is complicated to manufacture and cannot be adapted to specific configurations of heat exchange tubes without significant redesign. Applicant's single, planar burner plate requires less material and is cheaper to manufacture than the multiple fins disclosed in the '686 Specht patent. In addition, Applicant's single, burner plate can simply be provided with perforations in the correct orientation to direct combustion gases directly into the corresponding heat exchanger tubes. And the single burner plate can be interchanged with another burner plate to suit different heat exchanger tube configuration. These features are not taught or suggested in the '686 Specht patent and, therefore, Applicant respects reconsideration of the rejection.

In addition, a ribbon tray is used in the '686 Specht patent to hold the series of spaced fins in place: the ribbon tray is not a single, planar plate having a plurality of ports or group of ports in a spaced configuration for an air/gas mixture to pass therethrough, as defined in Applicant's invention. The function of the ribbon tray in the '686 Specht patent is to merely hold the fins in place: it is not planar in shape and does not form a burner plate as in Applicant's currently amended

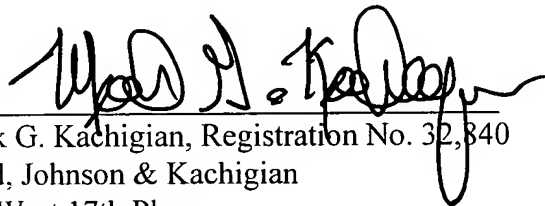
claim 22. Therefore, Applicant sincerely believes currently amended claim 22 is novel over the cited references and sincerely requests reconsideration of the rejection.

Finally, new independent claim 27 is believed allowable for all of the same reasons.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is respectfully requested. If there are any charges associated with this amendment, the Examiner is hereby authorized to charge such charges to Deposit Account No. 08-1500.

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Respectfully submitted,



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